

FILED

UM

1 **D. Hunter**
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 3 St. Paul, MN 55105
 4 612-395-9111(F)

JAN - 5 2015
 5 **THOMAS G. BRUTON**
 6 CLERK, U.S. DISTRICT COURT

7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF ILLINOIS**

9 D. W. HUNTER, an Individual, an
 10 Individual ("AUNT JEMIMA")
 11 PLAINTIFFS'

12 vs.

13 PEPSICO Inc., a Corporations, JANET
 14 LYNN SILVERBERG, an Individual,
 15 THE QUAKER OATS COMPANY, a
 16 Corporation, PINNACLE FOODS
 17 GROUP, LLC, Corporation, and DOES
 18 1 through 25, inclusive,
 19 DEFENDANTS.

20 Judge: Edmond E. Chang
 21 Case NO. 14CV6011

22 **MEMORANDUM OF LAW IN
 23 SUPPORT OF OBJECTION TO
 24 DOCKET 70 AND DEFENDANT
 25 PINNACLE FOODS REPLY OF ITS
 26 MOTION TO DISMISS**

27 **MEMORANDUM OF LAW**

28 **(Licensee Company Intermittent Windshield Wiper Systems)**

29 Kearns v. Ford Motor Co., 203, U.S.P.Q. 884, 888 (E.D. Mich. 1978), Kearns v. Chrysler
 30 Corp., 32 F.3d 1541 (Fed. Cir. 1994), Kearns v. General Motors Corp., 152 F.3d 945 (Fed. Cir.
 31 1998) (unpublished decision); Kearns v. Fred Lavery Porsche 82-70749, Wood Notors, Inc.,
 32 Volkswagen Werke A.G. Wolfsburg, and, Audi NSU Auto Union, A.G., Kearns v. Ferrari S.p.A. 85-
 33 70459, AB-Volvo, Alfa Romeo S.p.A., Automobiles-Citroen, S.A., Bayerische Motoren Werks, A.G.,
 34 B-L PLC (British Leland), Fuji Heavy Industries, Ltd., Group Lotus Cars Co., Honda Motor Co., Isuzu
 35 Motor Co., Ltd., Mitsubishi Motors Corp., Nissan Motor Co., Ltd., Officiene Alfieri Maserati, Peugeot,
 36 S.A., Regie Nationale Renault, Rolls Royce Motors, Ltd., Saab-Scania AB, Toyo Kogyo Co., Ltd
 37 (Mazda), Toyota Motor Co., Ltd , Dealers in the Detroit area, Barnett Pontiac-Datsun, Inc., Bavarian
 38 Motor Village, Ltd, Dagliesh Cadillac-Peugeot, Joe Dwyer Subaru Volvo, Inc., Falvey of Troy, Grosse
 39 Pointe AMC-Jeep Renault, La Fontaine Toyota, Seaway Motors, Inc., Sports Car Exchange, Inc.,
 40 Tamaroff Buick-DMC-Honda-Rolls Royce, and, Wood Motors, Inc.; Kearns v. General Motors Corp.
 41 85-70461; Kearns v. United Technologies Corp. 92-71408; United Technologies Automotive, Inc.;
 42 Kearns v. General Motors Corp. and, Brown's Buick & Isuzu, U.S. District Court Eastern District of

1 Virginia (Alexandria) 93-966-A, Kearns v. United States U.S. Claims Court 436-84C , Kearns v.
2 United States U.S. Court of Appeals for the Federal Circuit 85-645 , Litigants(con't.) Court No.,
3 Kearns v. United States Supreme Court of the U.S.84-1849, Kearns v. Fred Lavery Porsche Audi Co.,
4 Wood Motors, Inc.,Volkswagenwerk A.G., and, Audi NSU Auto Union, A.G., U.S. Court of Appeals
5 for the Federal Circuit 84-655, Kearns v. Fred Lavery Porsche Audi Co., Wood Motors, Inc.
6 Volkswagenwerk A.G. and, Audi NSU Auto Union, A.G., Supreme Court of the U.S.84-907, Kearns v.
7 Ford Motor Company, Wood Motors, Inc., Robert Bosch Corp., Daimler-Benz Aktiengesellschaft,
8 Porsche, A.G., SWF-Specialfabrik fur, Kearns v. Chrysler Corp., American Motors Corp., S. Court of
9 Appeals for the Federal Circuit 92-1531, Kearns v. General Motors Corp., U.S. Court of Appeals for
10 the Federal Circuit 93-1535, Kearns v. General Motors Corp. and, Brown's Buick & Isuzu, U.S. Court
11 of Appeals for the Federal Circuit 94-1057, Kearns and Maureen Kearns v. Wood Motors, Inc., Robert
12 Bosch Corp., Daimler-Benz Aktiengesellschaft, and Porsche, A.G., U.S. Court of Appeals for the
13 Federal Circuit Litigants(con't.), Kearns v. Chrysler 94-1299, Chrysler Corp. and American Motors
14 Corp., U.S. Court of Appeals for the Federal Circuit 94-1303, Kearns v. Toyota, Toyota Motor Co.,
15 Ltd., Nissan Motor Co., Ltd., Toyo Kogyo Co., Ltd. (Mazda), and Fuji Heavy Industries, Ltd. (Subaru),
16 U.S. Court of Appeals for the Federal Circuit 94-1305, Kearns v. Ferrari, S.p.A., Ferrari, S.p.A.,
17 Toyota, Nissan, Honda, Toyo Kogyo (Mazda), and, Fuji (Subaru), U.S. Court of Appeals for the
18 Federal Circuit 94-1306, Kearns v. Wood Motors, Wood Motors, Inc., Daimler-Benz
19 Aktinegesellschaft, Dr. Ing. h.c.f. Porsche, A.G., U.S. Court of Appeals for the Federal Circuit 94-1307,
20 Kearns v. Fred Lavery Porsche; Fred Lavery Porsche, Wood Motors, Inc.; Volkswagen Werke A.G.,
21 and, Audi NSU Auto Union, A.G.; U.S. Court of Appeals for the Federal Circuit 94-1308; Kearns v.
22 United Technologies; United Technologies Corp. and United Technologies Automotive, Inc.; U.S.
23 Court of Appeals for the Federal Circuit; Kearns v. Bittman 94-1310; Bittman, Reed Smith Shaw &
24 McClay; U.S. Court of Appeals for the Federal Circuit 94-1311; Kearns v. Amer. Arbitration Assoc.;
25 Kearns v. Toyota, Toyota Motor Co., Ltd., Toyo Kogyo Co. (Mazda), Honda Motor Co., Ltd., Saab-
26 Scania AB, Peugeot S.A., Nissan Motor Co., Ltd., Isuzu Motor Co., Ltd., Fuji Heavy Industries Ltd.
27 (Subaru), Volvo, BMW, Renault, Ferrari, S.p.A., Alfa Romeo, S.p.A., et al.] U.S. Court of Appeals for
28 the Federal Circuit 94-1321.

DATED: November 4, 2014

Respectfully Submitted



DATED: November 4, 2014

Respectfully Submitted

CERTIFICATE OF SERVICE

FOR THE COUNTY OF]
RAMSEY IN THE]ss.
STATE OF MINNESOTA]

Case No.: 14-CV-6011

I, _____, HEREBY certify that I am over the age of 18 years old, and located at 1275 Lincoln Ave., Ste #1, St. Paul, MN 55105. I certify that I have placed a prepaid postage, true and complete original to the court and copies to the party(is) of record at the U.S. Postal Office located at Post Office on the date of Nov. 17, 2014, for this action of the following:

Objection + Memorandum

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c/o Clerk
United States District Court
Northern District of Illinois
Everett McKinley Dirksen
United States Courthouse
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Chicago, IL 60604

I declare under the penalty of perjury under the laws of the State of Minnesota and/or N. Carolina that the above is true and correct.

Date: 12/04/14

Respectfully Submitted,



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